



FREDERICK COUNTY PLANNING COMMISSION

September 13, 2013

TITLE:**Mill Creek Concept Plan****FILE NUMBER:****S-1123 (AP# 13502)****REQUEST:****Concept Plan Approval**

The Applicant is requesting non-binding Concept Plan approval for 147 single family residential lots, on a 65.68-acre site

PROJECT INFORMATION:

ADDRESS/LOCATION: Located along Green Valley Road, west of Jones Road

TAX MAP/PARCEL: Tax Map 51 & 60, Parcels 51 & 64
COMP. PLAN: Parcel 51-Natural Resource/Parcel 64-Low Density Residential

ZONING: R-3 Residential

PLANNING REGION: Walkersville

WATER/SEWER: S-4/W-4 & NPS

APPLICANT/REPRESENTATIVES:

APPLICANT: Libertytown Development Co., LLC
OWNER: Libertytown Development Co., LLC
ENGINEER: Piedmont Design Group, LLC
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Non-Binding Concept Plan Approval

ATTACHMENTS:

Exhibit 1- Concept Plan

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Concept Plan (i.e. Sketch) approval for 147 single family residential lots, including a 30' x 50' clubhouse with a 40 space parking lot, on a 65.68-acre site. Subsequent to concept plan approval, the proposed development would follow the applicable subdivision review and approval process. The intent of the concept plan review is to provide feedback to the Applicant regarding feasibility of a subdivision in the area including generalized information on street and lot configuration, lot number and size, subdivision entrance locations, traffic impact, and public facilities impacts.



BACKGROUND

Development History

The property was acquired by Libertytown Development Company LLC, from Richard Arthur Linblad, by deed dated November 20, 2003, and recorded Plat Book 4262, Page 294.

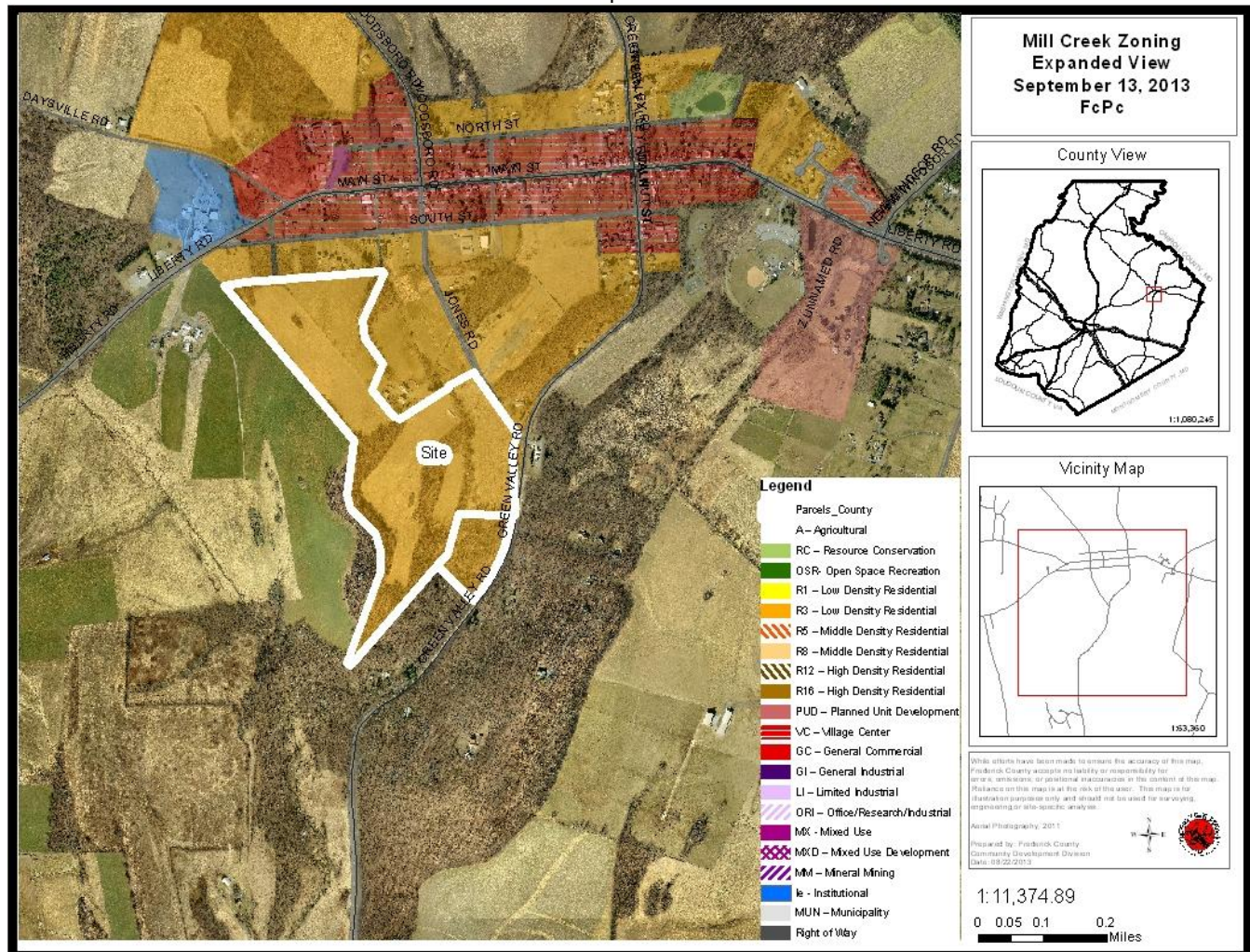
The property is zoned R-3 Residential and is comprised of three parcels; a 0.34 acre portion of the West Street right of way located on Tax Map 51, a 59.34 acre remainder located in Tax Map 60 as Parcel 64, and a 6.0 acre tract located in Tax Map 60 as Parcel 51.

A portion of Parcel 64 and all of Parcel 51 were rezoned from A-Agricultural to R-3 Residential as part of the 2012 Countywide Comprehensive Rezoning.

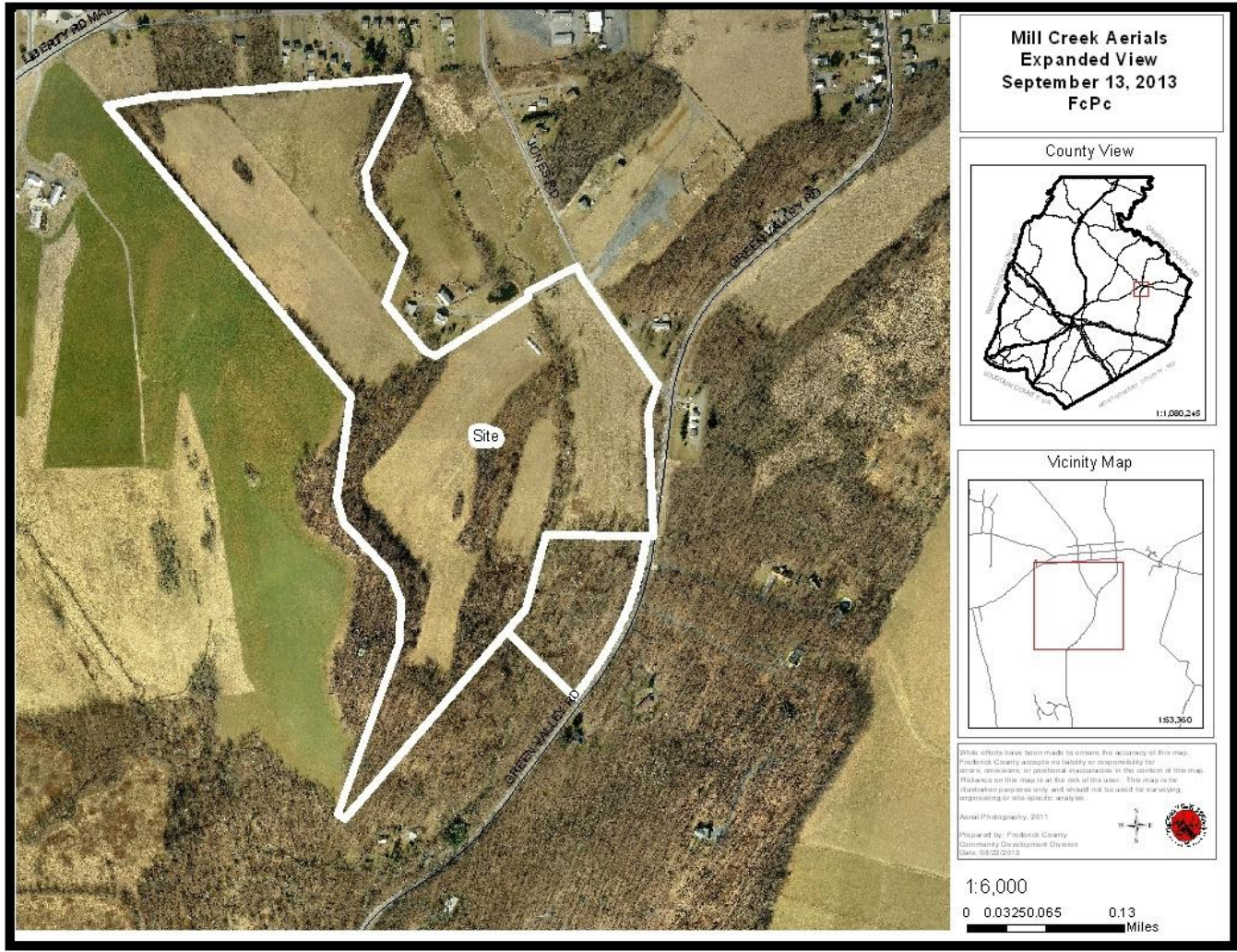
Existing Site Characteristics

The site is currently zoned R-3 Residential, and is developed with an existing farmstead. The community of Libertytown is located to the north of the site along South Street and Liberty Road/MD Rt 26. Jones Road and Green Valley Road form the eastern property boundary of the project. The properties to the west and south are currently developed as farmsteads and zoned A-Agricultural.

Graphic #1



Graphic #2



ANALYSIS

Summary of Development Standards Findings and Conclusions

The key issues associated with this development are: preservation of the sensitive environmental features on-site, providing for future connections to adjacent undeveloped parcels, developing a secondary access point into the site, providing a vehicular/pedestrian connection into Libertytown, as well as designing a well connected internal street layout.

Detailed Analysis of Findings and Conclusions

The Applicant has submitted a Concept Plan for non-binding review and approval only, in accordance with Section 1-16-59. (H) of the Code, which states:

(H) *The Planning Commission will in general be reviewing the sketch plan with regard to the following points:*

(1) *Interior street configuration;*

- The Mill Creek development is bisected into two separate “nodes” of single family residential development by the main access off of Jones Road (Mill Creek Drive). The sections are broken down into a 79 unit northern portion and a 68 unit southern portion.

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The northern most portion has a secondary access point to South Street via a “paper street” named West Street. The 79 unit northern portion of the project is served by two roads (Mill Creek Drive and Forsythia Court) that run north-south through the development. Mill Creek Drive, turns north from the connection with Jones Road, and terminates in a cul-de-sac at a stormwater management pond.

Mill Creek Drive also contains a future stub street connection to the existing farmstead (Tax Map 60, Parcel 44) to the west of the project. The farmstead is currently zoned Agricultural, however Staff worked with the Applicant in order to provide a future street connection in the event that this parcel is further developed.

Forsythia Court, runs north-south in a location to the west of Mill Creek Drive, and provides access to the secondary streets and private drives throughout the northern portion of the development.

All of the secondary streets form grid patterns or loops, with the exception of the one cul-de-sac which provides access to 11 lots. The cul-de-sac contains a pedestrian trail that travels in an east-west direction adjacent to a stormwater management pond terminating with a connection to Zinia Lane. This pedestrian connection will provide residents of the cul-de-sac a most convenient route to the remaining portions of the development, and downtown Libertytown via West and South Streets. The southernmost portion of the project is served by two main spine roads; one travels the full southern leg of the site and terminates into a cul-de-sac, the other travels about half of the distance and ends in a loop road that is connected to the cul-de-sac via an 80’ section of road.

(2) *Entrance locations (both new streets and driveways);*

- The development is proposing two 30’ wide, two-way access points, one access is proposed off of Jones Road, with a secondary access point proposed within the existing “paper street” named West Street which intersects with South Street.

(3) *Traffic effect on existing and proposed roads;*

- The subdivision has been subjected to APFO testing for impacts to traffic, water and sewer utilities and schools as part of the concurrent Preliminary Plan submittal.

(4) *Type of water and sewage system;*

- The 17 southernmost acres have been approved by the Board of County Commissioners (BOCC) for reversion to the previous W-4/S-4 classification, and final approval from Maryland Department of the Environment (MDE) is pending. The proposed development will be served by public sewer and water systems provided by the developer, as well as existing County systems. Sewer service will include on-site gravity lines with an outfall into existing sanitary sewer lines, which cross the site. In addition, the developer will provide additional wet well and/or pumping capacity in the pending Libertytown wastewater pumping station. The sewage will be treated at the Ballenger-McKinney WWTP, with water service coming from two (2) on-site production wells, raw water lines, a water treatment plant, a ground-level finished water storage tower, and finished water lines.

In addition, the Applicant is joint-venturing with the developer of the Mayne Property to develop an inter-connected public water supply, treatment, storage, and distribution system. This system is planned to connect the existing 7-11 convenience store building and the Libertytown Condominium Building (via the Mayne Property plan) through an

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off-site extension. Private wells and water systems serving those existing buildings are to be abandoned.

(5) *Feasibility of a subdivision in the area:*

(a) *Total number and size of lots;*

- The Mill Creek development is proposing 147 single family detached lots, with an approximate average lot size of 8,000 square feet. The developable area of this site could yield approximately 149 lots based on 3 dwelling units per acre.

The Applicant plans to utilize existing MPDU regulations which allow reductions in lot dimensional requirements. Which, due to the existing environmental constraints, topography and overall shape and dimension of the parcel, is the only way the full density is being achieved. The MPDU dimensional reductions in Section 1-19-8.620.5 of the Zoning Ordinance allow the following minimums in the R-3 district: lot size of 4,000 square feet, lot width of 40', front yard setback of 10', side yard setback of 4' with a minimum of 10' between structures, 25' rear yard setback, and a maximum height of 40'. This development adheres to the permitted density in accordance with Zoning Ordinance Section 1-19-8.620.5. However, that comes with the price of tighter building lot constraints and in some places less than desirable lot layout and design.

(b) *Effect of building in school district, school bus service;*

- The subdivision will be subject to APFO testing for impacts to traffic, water and sewer utilities and schools at the time of Preliminary Plan submittal.

(b) *Approximate lot layout, parkland, reserved areas.*

- The Mill Creek development is proposing to preserve 26.52 acres or 40.4% of the overall site as open space. All of the proposed open space parcels are to be owned and maintained by the Homeowners Association. As proposed, the development project does not appear to provide sufficient dry ground recreational lands. At the time of Preliminary Plan approval the Applicant will be required to address the parkland requirements listed in Subdivision Ordinance Section 1-16-111.

(5) *New techniques in land development.*

- Staff worked with the Applicant in order to provide a street network with minimal dead-ends, and multiple access points in order to help reduce congestion within the development. The Applicant also provided a future street connection to the vacant agricultural tract to the west in order to promote inter-parcel connectivity and help create redundancy throughout the area.

(7) *Preservation of environmental features.*

- This site contains 16.18 acres of FEMA floodplain, (including FEMA floodplain and flooding soils. This site also contains waters of the US (Coppermine Run), wetlands, wet soils, slopes exceeding 25%, large stands of on-site forests and specimen trees. The sections of the Coppermine Run located on-site are preserved in addition to a 100' waterbody buffer that runs along both sides of the

tributary. A 25' setback from the floodplain district boundary is also required on the southern portion of the site. The wetlands located on-site are also preserved with a 25' wide wetland buffer line. All of the wet soils on-site are preserved with a 100' wet soils buffer line. The majority of the on-site slopes exceeding 25% are located within areas that are designated as preserved forested areas on the southern portion of the site.

- The Applicant is preserving all but three of the on-site specimen trees; the Applicant is protecting 8.54 acres of existing forest and planting 2.94 acres of new forest, and claiming 0.98 acres of miscellaneous credit. A FRO Modification application for removal of the three specimen trees will be required prior to or concurrent with Preliminary Plan submission for this project. Approval of the Concept Plan by the Planning Commission does not provide support for or guarantee a favorable determination regarding a future FRO Modification application.

(8) *Conformance with the Comprehensive Plan.*

- This site is classified as Low Density Residential, which aligns with the density and intensity requirements of the R-3 Residential Zoning District. Parcel 51 has a Comprehensive Plan land use classification of Natural Resource and is proposed as passive open space in the proposed plan.

If approved, the Applicant may move forward with creation of the 147 new lots as a major subdivision. Subdivision approvals for this project would be reviewed and approved as separate preliminary plan and final plat applications.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter §1-6A: This project is subject to the MPDU requirements listed in the Zoning Ordinance. The Applicant is proposing 147 lots with the minimum of 12.5% as MPDU's or 18 MPDU units. There is zero density bonus proposed for this development. However, the subdivision will utilize the reduced lot design standards for the R-3 zone in the MPDU Ordinance. The Applicant will be utilizing the MPDU fee-en-lieu option and will be required to pay the appropriate fee at the building permit stage for each market rate unit.

Stormwater Management – Chapter §1-15.2: Stormwater management for this site is being provided in accordance with the 2007 MDE Stormwater Design Manual Amendments for providing "ESD" to the "MEP".

Subdivision Regulations – Chapter §1-16: Upon the granting of Concept Plan Approval by the Planning Commission, and after securing APFO approval, the Applicant may proceed with a Combined Preliminary/Final Site Plan application. The proposed single-family detached units will not require Site Development Plan approval.

APFO – Chapter §1-20: APFO testing is not required at the Concept Plan phase. The subdivision has been subjected to APFO testing for impacts to traffic, water and sewer utilities and schools as part of the concurrent Preliminary Plan submittal.

Forest Resource – Chapter §1-21: A Preliminary FRO plan is currently under review. The site contains 23.40 acres of forest. The Applicant proposes to meet the FRO requirements by protecting 8.54 acres of existing forest, planting 2.94 acres of new forest, and claiming 0.98 acres of miscellaneous credit. The Preliminary FRO plan must be approved prior to Preliminary Plan subdivision final approval. A final FRO plan must be submitted and approved, and mitigation provided prior to lot recordation,

grading permit, or building permits, whichever is applied for first.

The Applicant has requested a FRO modification to allow the removal of three specimen trees. This modification request will be sent to the FcPc as part of the Preliminary Plan approval process. Approval of this concept plan application does not guarantee approval of the pending FRO modification request.

Historic Preservation – Chapter §1-23: There are no historic resources located on this site.

FINDINGS:

Staff finds that the FcPc may give its opinion regarding the Concept Plan S-1123 AP# 13502 and may grant non-binding approval of the lot layout shown on the Concept Plan for the purpose of conceptual review and approval. Staff has no objection to conditional approval of the Concept Plan for conceptual review and approval only.

RECOMMENDATION:

Staff recommends approval of this Concept Plan by the Planning Commission with the recommendation that the following items be added as conditions to the approval:

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The approval of this plan is for conceptual review and approval only and does not guarantee lot yield or approval of future preliminary plans or final plats. All future applications shall be reviewed and approved in the normal manner and in accordance with all applicable regulations.
3. The Applicant has requested a FRO modification to allow the removal of three specimen trees. This modification request will be sent to the FcPc as part of the Preliminary Plan approval process. Approval of this concept plan application does not guarantee approval of the pending FRO modification request.
4. The Preliminary Plan shall provide for a minimum of 25' from the face of the garage to the back of the sidewalk on each lot.

Exhibit #1 Mill Creek Concept Plan Rendering

